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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,377	09/20/2000	Alexander G. Dickinson	48556.00005	6149

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EXAMINER

WRIGHT, NORMAN M

ART UNIT PAPER NUMBER

2134

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/666,377

Applicant(s)

DICKINSON ET AL.

Examiner

Norman M. Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
NORMAN M. WRIGHT  
PRIMARY EXAMINER

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-42 are present for examination.

#### ***Response to Amendment***

2. The declaration and affidavits filed on 11/29/04 under 37 CFR 1.131 is sufficient to overcome the Wood et al., U.S. Pat. No. 6,691,232 reference.

The declaration and affidavits filed on 11/29/04 under 37 CFR 1.131 has been considered but is ineffective to overcome the Wood et al., U.S. Pat. No. 6,691,232 reference.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the 8/5/1999 reference. The affidavits filed fails to show a reduction to practice of the claims features as a whole (exemplary clm. 1), of particular note is the lacking of any teaching regarding the claimed features of obtaining circumstantial data associated with the authentication attempt, and determining a level of trust associated with the authentication attempt. The affidavit does however show that the biometric data may be obtained for a user during an authentication attempt. Therefore, the evidence is not sufficient to overcome the Wood '232 reference.

3. In response to the papers filed on 4/05/06, the examiner hereby withdraws the final rejection and issues this non-final office action.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-42, are rejected under 35 U.S.C. 102(e) as being anticipated by Wood et al., U.S. Pat. No. 6,691,232, hereinafter '232.

As per claim 1, Wood '232 teaches a security architecture with environmental sensitive credential evaluation comprising: a method for performing graded authentication/ trust levels, obtains and evaluates circumstantial /environmental /token /parameter data associated with an authentication attempt /request, obtaining user data and circumstantial data associated with said attempt, determining a level of trust. See '232 at abstract, summary, figs. 1-4, and col. 4, lines 30-67 et seq., col. 5, lines 1-5, 30-35, and lines 50-67 et seq., col. 6, lines 25-40 et seq., col. 8, lines 4-40 et seq., and col. 9, lines 17 et seq..

As per claim 2, comparison of user data previously stored (see '232 at figs. 2-4, col. 2, lines 30-64 et seq., col. 3, lines 7-45 et seq., col. 4, lines 30-50 et seq., and col. 5, lines 1-5 et seq., and col. 6, lines 29-38 et seq., col. 7, lines 46-50 et seq.).

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As per claim 3, previously said stored data is part of historical record or circumstantial data hereinafter "circ data"/ environmental/ parameter/ session/ token/ of prior authentication, (figs. 3-4, see col. 2, lines 35-48 et seq., col. 3, lines 17-34, col. 4, lines 42 et seq., col. 5, lines 1-5, and lines 53 et seq., and col. 8, lines 3 et seq. of '232).

As per claim 4, 6-11, '232 teach circ data/ comprising an identification associated with a system, network location, IP address, timestamp, medium transmitted over/ dialup connection/ line speed/ signaling type/ port/ or router, circ represents more than one aspect of authentication attempt (col. 2, lines 6 et seq., col. 4, lines 42-49 et seq., col. 6, lines 30 et seq., col. 7, lines 58-67 et seq., col. 8, lines 1-40 et seq.).

As per claim 5, '232 does not specifically use the terms processor serial number, however, the examiner takes this to be a request/ principal ID/ computer ID/ requesting entity, as recited at col. 6, lines 30-40, col. 8, lines 55-56 et seq.. Since the use of any device ID is not a patentable distinction, and a processor is a device within a computer.

As per claim 12, it differs from rejected claims 1-11, by reciting a system having a trust engine collectively gatekeeper/ entry handler/ and management component. (see fig. 1, and col. 5, lines 13 et seq.).

As per claim 13, user data represents an intent to assent to a transaction/ connection/ access a resource/ see fig. 3, col. 2, at 35-55 et seq., col. 5, lines 35 et seq. and col. 11, lines 63 et seq., col.16, lines 30 et seq.).

As per claims 14-16, they fail to distinguish over rejected claims 1-11, accordingly see above for the specifics of the rejection.

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As per claims 17-24, they distinguish over claims 1-16 by reciting metadata/ circ data/ environmental data/ parameter, repudiation, a level of trust as a percentage/ value, and an intermediate level. '232 discloses these limitations with different labeling. Metadata is construed to be another name for circ/ or environmental data, as the functions are unchanged (also at col. 8); repudiation is taught at (col. 8, lines 40 et seq., and col. 18, lines 23 et seq.) and percentages/ degree of confidence/ weighted values/ or values at figs. 3c-4, col. 12, lines 40 et seq., col. 19, lines 60 et seq., col. 21, lines 25 et seq., an intermediate level (col. 9, lines 43 et seq., col. 13, lines 50 et seq., col. 14, lines 30 et seq., col. 17, lines 43 et seq., col. 19, col. 21 lines 21 et seq.).

As per claims 25-42, '232 teach the claimed invention as recited above, having a plurality of authentication techniques, generated by user data, a set of authentication techniques, variable/ dynamic techniques, a reliability set, a subset, and risk associated determinations (see abs., summary, col. 5, lines 30 et seq., col. 6, lines 44 et seq., col. 7, lines 22 et seq., col. 11, lines 30 et seq., col. 12, lines 1 et seq., col. 13, lines 45 et seq., col. 16, lines 19 et seq.).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Alternatively, Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over '232 as applied to claims 1-19 and 25-42 above, and further in view of the official notice taken by the examiner.

8. As per claims 20-24, not explicitly taught is the mathematical manipulation of the values (percentages/ or weighted values or value) being the degree of confidence/ trust/ authentication/ and corresponding percentages. The examiner takes official notice of both the motive and modification necessary for a person of ordinary skill in the art to arrive at a value representing the confidence as a value/ number/ percentage of the trust level. It would have been obvious to one of ordinary skill in the art at the time of the invention to augment the invention of '232 with a detailed mathematical means showing how the percentage or values of trust levels that could be obtained by the manipulation of risk, and weighted correspondence percentages. A person of ordinary skill in the art would have realized that systems and administrators routinely use weight percentages and risk factors to arrive at confidence values. Here it is rudimentary that the labeling of the trust level or confidence values are based upon mathematical manipulation of parameters that are termed percentage authentication, intermediate, metadata, or degree of correspondence. One of ordinary skill in the art would have been motivated to perform such a modification, because, one would have realized that the final value obtained (percentage of trust or confidence) may be based upon a plurality of parameters or values or percentages. Furthermore that, the determination of the final levels or confidences factors/values are to be determined based upon some arbitrary value or percentage assigned by the system manager. A person of ordinary

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skill in the art would have '232 suggestion of utilizing mapping rules in a weighted environment would encompass said data/ values/ or percentage manipulation of various parameters (see '232 at col. 21, lines 25-30 et seq.).

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

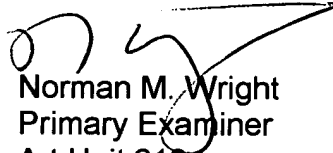
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (571) 272-3844. The examiner can normally be reached on weekdays, from 8AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Norman M. Wright  
Primary Examiner  
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